

# United States Court of Appeals For the First Circuit

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No. 13-1433

UNITED STATES,

Appellee,

v.

BENIGNO HERNANDEZ-CLANDER,

Defendant, Appellant.

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Before

Thompson, Kayatta and Barron,  
Circuit Judges.

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## JUDGMENT

Entered: August 31, 2015

Defendant-appellant Benigno Hernandez-Clander entered a straight plea to conspiracy and attempted possession with intent to distribute five kilograms or more of cocaine powder, 21 U.S.C. §§ 841(a)(1) and 846. At sentencing, the district court imposed a two-level enhancement based on USSG § 3B1.1(c). Hernandez's sole argument on appeal is that the district court erred in imposing the enhancement because there was no evidence indicating that he organized, led, managed, or supervised another person.

Having carefully reviewed the briefs and the record, we find that the district court committed no error. The record supports a finding that Hernandez was an organizer, leader, manager, or supervisor in connection with the drug offense, warranting application of the enhancement.

Affirmed. See 1st Cir. Loc. R. 27.0(c).

By the Court:

/s/ Margaret Carter, Clerk

cc:

Juan A. Albino-Gonzalez

Alan D. Rose Sr.

Benigno Hernandez-Clander

Brian D. Lipkin

Timothy R. Henwood

Dennise Noemi Longo-Quinones

Nelson Jose Perez-Sosa

John Andre Mathews II